

MONTANA LEGISLATIVE HISTORY

Chapter 492 19 91

Bill H 726 S _____ Original bill & history C

H. Committee on Business & Economic Development S. Committee on Judiciary

Hearing Date(s) Feb 19 ☒ C Hearing Date(s) Mar 22 ☒ C

_____ ☐ C

Apr 63 ☒ C

_____ ☐ C

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_____ ☐ C

_____ ☐ C

Date Out Feb 19 ☒ C

Apr 04 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

4/09	2ND READING AMENDMENTS CONCURRED	95	1
4/10	3RD READING AMENDMENTS CONCURRED	99	0
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 537		

EFFECTIVE DATE: 10/01/91

HB 774 INTRODUCED BY R. JOHNSON, ET AL.

ALLOW SPECIFIED LICENSEES TO IMPORT ILLEGAL GAMBLING DEVICES

2/12	INTRODUCED		
2/12	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/12	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	94	2
2/26	3RD READING PASSED	94	5

	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO BUSINESS & INDUSTRY		
3/13	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	48	0
3/16	3RD READING CONCURRED	49	0

	RETURNED TO HOUSE		
3/22	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 211		

EFFECTIVE DATE: 3/27/91

HB 775 INTRODUCED BY J. RICE, ET AL.

CREATING A COLLEGE SAVINGS BOND PROGRAM

2/12	INTRODUCED		
2/12	REFERRED TO APPROPRIATIONS		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/16	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		
3/05	HEARING		
3/23	TABLED IN COMMITTEE		

HB 776 INTRODUCED BY BERGSAGEL, ET AL.

REVISE SALE PROCEDURE FOR UNCLAIMED
PROPERTY HELD IN STORAGE

2/12	INTRODUCED		
2/12	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/12	FIRST READING		
2/19	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/25	2ND READING PASSED	77	21
2/26	3RD READING PASSED	88	11

	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO JUDICIARY		
3/27	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	50	0
4/06	3RD READING CONCURRED	49	0

RETURNED TO HOUSE WITH AMENDMENTS

HOUSE FINAL STATUS

HB 778

4/09	2ND READING AMENDMENTS CONCURRED	96	2
4/10	3RD READING AMENDMENTS CONCURRED	94	4
4/15	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 472		

EFFECTIVE DATE: 10/01/91

HB 777 INTRODUCED BY QUILICI, ET AL.

APPROVE ENERGY CONSERVATION PROJECTS
AND AUTHORIZE BOND ISSUANCEBY REQUEST OF DEPARTMENT OF NATURAL RESOURCES &
CONSERVATION

2/12	INTRODUCED		
2/12	REFERRED TO APPROPRIATIONS		
2/13	FIRST READING		
2/13	FISCAL NOTE REQUESTED		
2/16	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
3/21	HEARING		
3/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/27	2ND READING PASSED	96	3
3/28	3RD READING PASSED	95	2
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO FINANCE & CLAIMS		
4/09	HEARING		
4/10	COMMITTEE REPORT—BILL CONCURRED		
4/11	2ND READING CONCURRED	50	0
4/12	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
4/19	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		
4/19	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 571		

EFFECTIVE DATE: 4/23/91

HB 778 INTRODUCED BY D. BROWN, ET AL.

RECREATIONAL USE OF STATE LANDS

2/12	INTRODUCED		
2/12	REFERRED TO NATURAL RESOURCES		
2/13	FIRST READING		
2/13	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
3/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
4/02	2ND READING PASSED AS AMENDED	70	29
4/04	3RD READING PASSED	65	32
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO JUDICIARY		
4/10	HEARING		
4/11	REVISED FISCAL NOTE REQUESTED		
4/11	COMMITTEE REPORT—BILL CONCURRED		
4/13	REVISED FISCAL NOTE RECEIVED		
4/15	REVISED FISCAL NOTE PRINTED		
4/15	2ND READING CONCURRED	47	1
4/16	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/20	SIGNED BY SPEAKER		

companies to date.

Opponents: None

Questions from the Committee:

REP. RICE reminded they had a conversation about a week or so ago about the hesitancy of some capital companies to consider this as capital at risk. One of the reasons it was decided to give a tax credit was to make more risky capital available. Please address this in regard to this bill. Is this going to make more capital available for less secure investments than the ones we want to have happen? Mr. Poole thought it would. The reason is HB 901 has been introduced by REP. BARDANOUVE. That bill is scheduled for hearing in this Committee on March 8. That hearing date needs to be changed because it is too late. He will check with the Chief Clerk's office about HB 901. HB 863 will hinge on the support and passage of HB 901. It does raise \$9 million dollars in federal funds to match \$3 million to be raised in the State. We have created the first large capital fund and it is very important to Montana. Under regulations that go along with federal money and the money invested in this some of the things that have been seen before and are concerned about wouldn't happen again.

REP. RICE said if she put thousands of dollars into the standard capital company, basically she gets a tax credit for 67% of the investment. That tax credit can be used over a period of 15 years, and goes back three years also.

REP. BENEDICT asked why there is a retroactive applicability date in this. Mr. Poole explained the reason it is in there is because the 1989 dollars run out June 30, 1991, and after that there are no more tax credits available. When the LFA came out with their report in order to function they needed a retroactive date not to carry over any additional tax credits until the account was looked at. There were credits some available to be allocated.

REP. BROWN said HB 901 was on the list the Senate approved that doesn't need to be heard before transmittal. Mr. Poole said that is essentially the bill that is needed to make this work.

Closing by Sponsor:

REP. BROWN promised amendments will be in the Committee by the end of the day. This is the most farreaching economic measure before this session to get new or existing companies going. With all of the inability to get capital, this can help.

HEARING ON HOUSE BILL 776

REP. ERNEST BERGSAGEL, HD 17, explained there is no clear procedure under current law to handle property abandoned in storage units without paying the rent. It is an Act providing

that the contents of a storage unit may be sold when the owner of the contents defaults in paying rental fees on the storage unit. This bill provides a specific procedure in dealing with this problem. The specifics of the bill say if the owner of the stored property is in default of his rental payment, the owner of the rental unit may sell the contents at public auction. Before he does that however, he must notify the renter by certified mail that the renter has 30 days to claim the property and pay past due rental fees. Also, before selling the property, notice of the sale must be published once a week for two weeks in the local newspaper stating the specifics of the sale. Finally, all monies received from the sale first go to defray the cost of the sale, then to the unpaid rent. Anything left over must be paid to the original owner of the property.

Proponents: None.

Opponents: None.

Questions from the Committee:

REP. KILPATRICK asked if he was correct in assuming that if someone has gone 30 days over and not paid his rent on the storage unit, he would have another 30 days, so actually we're talking 60 days. Is this right? REP. BERGSAGEL answered that is correct.

REP. BENEDICT asked if other state do something like this. REP. BERGSAGEL said this is not modelled after any other bill and he did not know about any other states.

REP. CROMLEY asked if there is a problem with someone who just stores something. REP. BERGSAGEL said this is designed for people who own storage units and rent out space.

REP. TUNBY asked the procedure if the renter is only two days late in payment of the rent. REP. BERGSAGEL said only after 30 days delinquency could there be a notice and sale. There would be 30 days plus two weeks because it has to be advertised for two weeks.

Closing by Sponsor:

REP. BERGSAGEL closed.

EXECUTIVE ACTION ON HOUSE BILL 776

Motion/Vote: REP. KILPATRICK moved HB 776 DO PASS. Motion carried with REPS. STELLA JEAN HANSEN, BACHINI, SONNY HANSON voting No. REP. WALLIN was absent.

EXECUTIVE ACTION ON HOUSE BILL 655

1:00
2/19/91
me

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 776 (first reading copy -- white) do pass .

Signed: 
Bob Bachini, Chairman

Senator Towe asked Allen Chronister if there is a need to address this issue. Mr. Chronister replied that he has heard, anecdotally, that people are being abused. He stated that he works on both the plaintiff and defense side, doing more work on the defense side, and that the problems are about even on each side.

Senator Towe told Mr. Chronister his point, that it is up to the authority of the Supreme Court to enact rules, is well-taken. He said that even if this were nothing more than an advisory request, it would prompt the Supreme Court to do something. Allen Chronister replied that he talked to Justice Trewiler on March 26, 1991, and was advised that the Court is on the verge of doing something in this area.

Senator Towe commented that he believes people with very legitimate claims would get their cases done at a greatly reduced amount.

Senator Mazurek asked if the Trial Layers supported HB 887 in the House. Representative Whalen replied they didn't, and said he did not ask them to support the bill.

Closing by Sponsor:

Representative Whalen said he appreciated Chairman Pinsonneault's comments, and cited a situation in Billings where he lost a case. He said the defendant's attorney stated that a two-week deposition was not unusual, and volunteered to provide copies of this statement to the Committee.

Representative Whalen further stated that he believes this is a fight between attorneys representing people, and those representing corporations such as insurance companies and banks. He said the technical problems reported to be in the bill are not there, and that this bill only asks to adopt the statutes of Civil Procedure (Title 25, Chapter 20). Representative Whalen stated he had no problem with sunset legislation, and that this issue is not being addressed by the Supreme Court or an advisory committee.

HEARING ON HOUSE BILL 776

Presentation and Opening Statement by Sponsor:

Representative Ernest Bergsagel, District 17, said there is no clear procedure on selling items in storage in lieu of default on rent. He said the bill requires that the owner of the items stored be notified 30 days in advance of the sale of those items. Representative Bergsagel further stated that the bill requires publication in a newspaper prior to such sale.

Proponents' Testimony:

There were no proponents of the bill.

Opponents' Testimony:

There were no opponents of HB 776.

Questions From Committee Members:

Senator Mazurek asked if the person entitled to the proceeds of sale is the owner, on page 2, subsection (4). Representative Bergsagel replied it is.

Senator Mazurek asked what happens if the owner of the items stored cannot be located. Representative Bergsagel replied the proceeds would then become the property of the state.

Senator Mazurek stated that 30 days is fairly short, and said there is a requirement now to hold items for five years. Representative Bergsagel replied that property is not the issue, but failure to pay for space rental. He stated that payments are generally due in 30 days, and that this is legislation tries to collect past due payment. He further stated that the bill allows for sale 30 days after the date on which certified notice is sent.

Senator Towe commented that the bill does not say this. Representative Bergsagel replied that the intent was that the owner of the rental units would have the authority to establish delinquent periods, and to collect on past due accounts, 40 days from default.

Senator Towe stated that certified notice doesn't work to get to the owner of storage contents, and that there is a need to ensure personal notice. Representative Bergsagel replied he would not object to an amendment to this effect.

Closing by Sponsor:

Representative Bergsagel made no closing comments.

HEARING ON HOUSE BILL 417Presentation and Opening Statement by Sponsor:

Representative Jim Elliott, District 51, provided an amendment to the bill (Exhibit #1). He said HB 417 is referred to as the Montana Anti-Terrorist Act, and is designed to prohibit paramilitary groups from contributing to civil disorder. Representative Elliott referred to the Church of Jesus Christ of Aryan Nations near Hayden Lake, Idaho, and said there were several bombings in Coeur d'Alene, Idaho, in response to citizens trying to stop this kind of terrorist activity.

Representative Elliott advised the Committee that, as a result of this situation, Idaho passed an anti-terrorist act, and these activities then ceased. He read a letter from a detective of the

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on April 3, 1991, at 7:05 a.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
John Harp (R)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: none

Staff Present: Valencia Lane (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Pinsoneault asked members of the Committee to review the resolution draft for HB 797 and to provide their comments to the Committee Secretary.

EXECUTIVE ACTION ON HOUSE BILL 776

Motion:

Discussion:

Valencia Lane explained Senator Towe's amendments (Exhibit #1).

Amendments, Discussion, and Votes:

Senator Harp made a motion to approve Senator Towe's amendments. The motion carried unanimously.

Recommendation and Vote:

Senator Harp made a motion that HB 776 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 559Motion:Discussion:Amendments, Discussion, and Votes:

Valencia Lane presented two sets of amendments and a gray bill, and said Peter Funk no longer wants to strike Section 10 of the bill. She said this puts drug testing back in the bill, as originally introduced (Exhibits #2, #3, and #4).

Senator Halligan stated that he was concerned about probable cause, and believes this is a reasonable compromise.

Senator Harp made a motion to approve Peter Funk's amendments (Exhibit #2), except for amendment #6 (striking Section 10). The motion carried unanimously.

Valencia Lane explained that #2 of Senator Towe's amendments are the same as #4 of Peter Funk's amendments. She stated that is all the amendments are adopted, she would merge those two.

Senator Towe made a motion to approve his amendments (Exhibit #4). The motion carried unanimously.

Recommendation and Vote:

Senator Harp made a motion that HB 559 BE CONCURRED IN AS AMENDED. The motion carried unanimously. Senator VanValkenburg or Senator Halligan will carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 825Motion:Discussion:Amendments, Discussion, and Votes:

Valencia Lane reminded the Committee that they adopted Representative Dave Brown's amendments and Senator Mazurek's

CKF/
4-3-91
HB 776

Amendments to House Bill No. 776
Third Reading Copy

For the Committee on Judiciary

Prepared by Greg Petesch
April 1, 1991

1. Page 1, line 16.
Following: "(2)"
Strike: "Prior to an auction"
Insert: "At the expiration of the period of default"
2. Page 1, line 24.
Following: "."
Insert: "If the certified notice is returned undelivered, notice must be given as provided in Rule 4 of the Montana Rules of Civil Procedure."
3. Page 2, lines 7 and 8.
Following: "newspaper of" on line 7
Strike: "an adjacent"
Insert: "general circulation in the"
Following: "county"
Strike: strike remainder of line 7 through "state" on line 8
4. Page 2, line 11.
Following: "to the"
Insert: "owner. If the owner or the"
5. Page 2, line 12.
Following: "proceeds"
Insert: "cannot be located, the proceeds escheat to the state as provided in Title 72, chapter 14"

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 776 (third reading copy -- blue), respectfully report that House Bill No. 776 be amended and as so amended be concurred in:

1. Page 1, line 16.

Following: "(2)"

Strike: "Prior to an auction"

Insert: "At the expiration of the period of default"

2. Page 1, line 24.

Following: "..."

Insert: "If the certified notice is returned undelivered, notice must be given as provided in Rule 4 of the Montana Rules of Civil Procedure."

3. Page 2, lines 7 and 8.

Following: "newspaper of" on line 7

Strike: "an adjacent"

Insert: "general circulation in the"

Following: "county"

Strike: strike remainder of line 7 through "state" on line 8

4. Page 2, line 11.

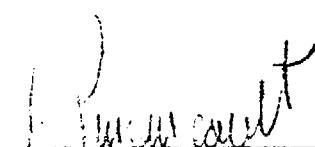
Following: "to the"

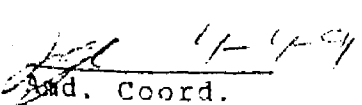
Insert: "owner. If the owner or the"

5. Page 2, line 12.

Following: "proceeds"

Insert: "cannot be located, the proceeds escheat to the state as provided in Title 72, chapter 14"

Signed: 
Richard Pinsoneault, Chairman


Sec. of Senate

4-4 5:50
Sec. of Senate

1161330.CJ1